

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 03, 2017

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SEAN F. McAVOY, CLERK

UNITED STATES OF AMERICA,

Plaintiff,

v.

CYBIL M. IMHOLT, a/k/a "Cybil M.
Shippy," (01)
BRENDON M. MCCULLOUGH, a/k/a
"Brenden M. McCullough," (02),
JASON M. GENGE, (03),
AMY JO WILLIAMS, a/k/a "Amy Jo
Mitzimberg,"(04),
and MANDY L. THOMASON, (05),

Defendants.

No. 2:16-CR-0198-SMJ-01
2:16-CR-0198-SMJ-02
2:16-CR-0198-SMJ-03
2:16-CR-0198-SMJ-04
2:16-CR-0198-SMJ-05

PROTECTIVE ORDER

Before the Court, without oral argument, is The United States Attorney's Office's (USAO) Motion for Protective Order Regulating Disclosure of Discovery and Sensitive Information, ECF No. 78, and related Motion to Expedite, ECF No. 79. The USAO requests a protective order regarding the dissemination of discovery materials, and the sensitive information contained therein, including records and evidence containing personal information of victims, third parties, and the defendants, including social security numbers, Washington identification numbers, birth dates, bank account information, phone numbers, email or physical addresses,

1 and other sensitive personal and business information. Defendants have not filed
2 any opposition to the USAO's motions. Having reviewed the pleadings and the file
3 in this matter, the Court is fully informed and **GRANTS** the USAO's motions.

4 Accordingly, **IT IS HEREBY ORDERED:**

5 **1.** The USAO's Motion for Protective Order Regulating Disclosure and
6 Discovery of Sensitive Information, **ECF No. 78**, is **GRANTED**.

7 **2.** The USAO's Motion to Expedite, **ECF No. 79**, is **GRANTED**.

8 **3.** The Court enters the following protective order:

9 **A.** The United States is authorized to disclose the discovery and
10 sensitive information materials (hereinafter "Discovery") in its possession pursuant
11 to the discovery obligations imposed by this Court.

12 **B.** Government personnel and counsel for Defendants shall not
13 provide, or make available, the Discovery to any person except as specified in this
14 Order or by approval from this Court. Therefore, defense counsel and the
15 Government shall restrict access to the Discovery, and shall only disclose the
16 Discovery to their client, office staff, investigators, independent paralegals,
17 necessary third-party vendors, consultants, and/or anticipated fact or expert
18 witnesses to the extent that defense counsel believes is necessary to assist in the
19 defense of their client in this matter or that the Government believes is necessary in
20 the investigation and prosecution of this matter.

1 **C.** Third parties contracted by the United States or defense counsel
2 to provide expert analysis or testimony may possess and inspect the Discovery, but
3 only as necessary to perform their case-related duties or responsibilities in this
4 matter. At all times, third parties shall be subject to the terms of this Order.

5 **D.** Discovery in this matter will be made available to defense
6 counsel via access to a case file on USA File Exchange. If necessary to review
7 discovery with their respective clients, defense counsel may download the
8 discovery and duplicate only once. Discovery materials may not be left in the
9 possession of the defendants. In order to provide discovery to a necessary third-
10 party vendor, consultant, and/or anticipated fact or expert witness, defense counsel
11 may duplicate the discovery only once. No other copies shall be made, by defense
12 counsel or the defendants, without prior approval from this Court.

13 **E.** To the extent that defense counsel makes any portion of the
14 Discovery available in paper format to anyone, including their clients, outside of
15 counsel's office, defense counsel shall ensure that any and all sensitive information
16 is redacted or removed. Such redaction/removal shall include, but shall not be
17 limited to, the following: (a) all Social Security, identification card, driver's license,
18 birth certificate, and tax payer identification numbers; (b) all business and employer
19 names, locations, addresses, as well as salary information; (c) residential and
20 business addresses; (d) all dates of birth, organ donor information, telephone

1 numbers, and email addresses; (e) all lease, bill, or other payment amounts; and (f)
2 all information identifying the contents and routing and account number(s) of any
3 financial account, including bank, trust, and retirement account(s).

4 **F.** All counsel of record in this matter, including counsel for the
5 United States, shall ensure that any party, including the defendants, that obtains
6 access to the Discovery is provided a copy of this Order. No other party that obtains
7 access to or possession of the Discovery shall retain such access or possession
8 unless authorized by this Order, nor further disseminate the Discovery except as
9 authorized by this Order. Any other party that obtains access to, or possession of,
10 the Discovery once the other party no longer requires access to or possession of the
11 Discovery shall promptly destroy or return the Discovery once access to Discovery
12 is no longer necessary. For purposes of this Order, “other party” is any person other
13 than counsel for the United States, counsel for defendants, or the defendants.

14 **G.** All counsel of record, including counsel for the United States,
15 shall keep a list to identify each person to whom the Discovery is disclosed and who
16 was advised of the requirements of this Order. Neither counsel for each of the
17 defendants, nor the counsel for the United States, shall be required to disclose this
18 list of persons unless so ordered to do so by the Court.


19 **H.** Upon entry of a final order of the Court in this matter and
20 conclusion of any direct appeals, government personnel and counsel for defendants

1 shall retrieve and destroy all copies of the Discovery, except that counsel and
2 government personnel may maintain copies in their closed files following their
3 customary procedures.

4 **I.** Government personnel and counsel for Defendants shall
5 promptly report to the Court any known violations of this Order.

6 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and
7 provide copies to all counsel.

8 **DATED** this 3rd day of January 2017.

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11 SALVADOR MENDOZA, JR.
12 United States District Judge
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